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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/650,008

08/26/2003

David B. Dwyer

H0004368

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128 7590 03/17/2008
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EXAMINER

DIACOU, ARI M

ART UNIT

PAPER NUMBER

3663

MAIL DATE

DELIVERY MODE

03/17/2008

PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID B. DWYER

Appeal 2007-2927
Application 10/650,008
Technology Center 3600

Decided: March 17, 2008

Before MURRIEL E. CRAWFORD, HUBERT C. LORIN, and
JOSEPH A. FISCHETTI, *Administrative Patent Judges*.

CRAWFORD, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134 (2002) from a final rejection of claims 1 to 12. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

Appellant invented a flight management system display that integrates graphical flight planning with textural air traffic control clearance messages. (Specification 1).

Claim 1 under appeal reads as follows:

1. An aircraft flight management display system for displaying air traffic control clearance messages transmitted to an aircraft, the system comprising:

a processor adapted to receive (i) data representative of a current aircraft flight plan and (ii) one or more textual clearance message signals representative of the air traffic control clearance messages and operable, in response thereto, to supply one or more flight plan display commands and one or more clearance message display commands; and

a display coupled to receive the flight plan display commands and the clearance message display commands and operable, in response thereto, to substantially simultaneously display (i) one or more images representative of the current aircraft flight plan and (ii) the textual air traffic clearance messages.

The Examiner rejected claims 1 to 12 under 35 U.S.C. § 102(b) as being anticipated by Deker.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Deker

US 6,181,987

Jun. 30, 2001

Appellant contends that Deker does not disclose a processor adapted to receive data representative of a current aircraft flight plan and one or more textual clearance message signals representative of the air traffic control clearance messages and operable, in response thereto, to supply one or more flight plan display commands and one or more message display commands.

ISSUE

The issue is whether the Appellant has shown that the Examiner erred in finding that Deker discloses a processor adapted to receive data representative of a current aircraft flight plan and one or more textual clearance message signals representative of the air traffic control clearance messages and operable, in response thereto, to supply one or more flight plan display commands and one or more message display command.

FINDINGS OF FACT

Deker discloses an aircraft flight management display system which includes a processor. The Deker system provides a means for a pilot to alter a flight path (col. 5, ll. 4 to 9). Deker also discloses that sources other than the pilot can alter the flight path of an aircraft. When an outside source, presumably air traffic control, seeks to change the flight plan of an aircraft, a processor receives data representative of a new aircraft flight plan which has been determined as a result of various events including airport congestion, air traffic control, or weather conditions (col. 4, ll. 26 to 30). As depicted in Figure 1, the processor receives this data via digital data radio transmission device 15. The new flight plan is displayed on the graphic display portion 27 of a display screen to the pilot (Figure 2). The processor also receives data representative of an air traffic control message signal (col. 5, ll. 9 to 13). The message relates to the clearance by air traffic control of the aircraft to use a flight plan and as such is an air traffic control clearance message. This message is displayed in the message zone of a textual display portion 28 of the display. When the processor receives the flight plan data and the air traffic control message, the new flight plan is displayed along

with a FPLNS command. Activation of the FPLNS command prompts the display of other flight plans (col. 7, ll. 38 to 43) and therefore is a flight plan display command. Deker also discloses that an EXPLAIN command button is displayed in response to the processor displaying a new flight plan and the air traffic control message. By activation of the EXPLAIN command the pilot can obtain further explanation about the air traffic control message that accompanied the altered flight plan (col. 6, ll. 27 to 36). As the EXPLAIN command relates to the reasons causing the air traffic control message it is a clearance message display command.

ANALYSIS

We are not persuaded by Appellant's argument that Deker does not disclose a processor adapted to receive data representative of a current aircraft flight plan and one or more textual clearance message signals representative of air traffic control clearance messages. Deker discloses that the processor receives messages from air traffic control regarding a change flight plan because of events, such as, air traffic control, weather. In addition, Deker discloses that a message is sent to the processor when an event that causes a diversion occurs. This message necessarily concerns and thus is representative of the lack of clearance for a previous aircraft flight plan due to the occurrence of an event and is clearly representative of an air traffic control clearance.

We are also not persuaded by Appellant that Deker does not disclose a processor that displays a flight plan display command and a clearance message display command *in response* to the receipt of data representative

of a flight plan and the air traffic control clearance message. Deker teaches that a screen is displayed when the processor receives an air traffic control message about a changed flight plan. This display of the screen is in response to the receipt of a textual message about air traffic control and a new flight plan. The display includes a FPLNS command and an EXPLAIN command. The activation of the FPLNS command relates to modifying a flight plan and as such is a flight plan display command and the EXPLAIN command allows a pilot to obtain further information about the air traffic control message and thus is a clearance message display command.

In view of the above, it is our view that Deker discloses each and every element of claim 1. Therefore, we will sustain the Examiner's rejection of claim 1. We will also sustain the Examiner's rejection of claims 2 to 12 because the Appellant has not argued the separate patentability of these claims.¹

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv) (2007).

AFFIRMED

¹ We note that the Appellant argues that the Examiner erred by holding that the language “adapted to” and “operable” is intended use language and thus is not entitled to patentable weight. However, as we have found above, Deker discloses a processor that receives the data representative of current aircraft flight plan and supplies one or more flight plan display commands and a clearance message display command in response to receipt of the data and message, thus we do not need to reach these arguments.

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